

**Remarks/Arguments**

Applicant respectfully requests reconsideration of the rejection of the claims in view of the claim amendments above and the remarks set forth below. Claims 1-8 and 17-20 remain in the application. Claims 1-8 and 17-19 were previously presented. Claim 20 is as originally filed. Claims 9-16 were previously canceled.

**35 U.S.C. §102 and §103**

Claims 1-6, 8, and 17-20, stand rejected under 35 U.S.C. §102(e) as being anticipated by Webster et al. (U.S. Patent No. 7,170,880 B2, hereinafter referred to as “Webster”).

Claim 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Webster.

It is respectfully asserted that Webster fails to disclose:

“circuitry that receives the filtered first sample data modulated signal and the filtered second sample data modulated signal, the second sample data modulated signal up-sampled from the first sample data modulated signal, and delivers one of the filtered first sample data modulated signal and the filtered second sample data modulated signal for further processing depending on which sample data modulated signal exhibits desirable characteristics for a given operating environment,”

as described in claim 1.

Applicant notes, for purposes of clarification, the correspondence between the present claim 1 and Figure 2 of the present application. The figure illustrates an up-sampler modulator 108, which receives a first sample data modulated signal, a first filter 106 for filtering that same first sample data modulated signal, and a second filter 110, for filtering the second sample data modulated signal, produced by up-sampler modulator 108. Mux 112 receives the two filtered signals and delivers one “depending on which sample data modulated signal exhibits desirable characteristics for a given operating environment.”

The Examiner cites Webster filter 209 as representing “a first filter for filtering the first sample data modulated signal to produce a filtered first,” and Webster filter 219 as representing “a second filter (219) for filtering the the [sic] second sample data modulated signal to produce a filtered second sample data modulated signal sample data modulated signal.” (Office Action, page 3) As shown in Webster Figure 2, however, both filter 209 and filter 219 are fed by 2:1 splitter 205. Thus, the two cited filters of Webster receive the same signal.

In contrast, in the present claims, the second sample data modulated signal is an up-sampled version of the first sample data modulated signal, not merely a copy of the first sample data modulated signal. Thus, it is respectfully asserted that the arrangement of Webster filters in relationship to an up-sampling function is not representative of the arrangement required by the present claims.

Furthermore, as previously argued, multiplexer 213 of Webster selects amongst the output of the single-carrier pulse shape block 209, the output of the rate change filter 226, and the output of the combiner 223, which combines the output of the mixed carrier pulse shape digital filter 219 and the output of the rate change filter 226. None of the three inputs to the multiplexer 213 represents an up-sampled version, or filtered up-sampled version, of any of the other signals. Instead, the MUX is used to “select single-carrier packets for the single-carrier mode, to select multi-carrier packets for the multi-carrier mode, and to select mixed carrier packets for the mixed carrier mode of operation.” (Webster, column 8, line 64 to column 9, line 20)

While Webster discusses up-sampling, the discussion is with regard to the pulse shape filter, the output of which is not an input of the multiplexer, particularly in filtered form. (Webster, col. 3, lines 48-67; col. 4, lines 1-3) Thus, Webster fails to disclose “circuitry that receives the filtered first sample data modulated signal and the filtered second sample data modulated signal, the second sample data modulated signal up-sampled from the first sample data modulated signal, and delivers one of the filtered first sample data modulated signal and the filtered second sample data modulated signal for further processing depending on which

sample data modulated signal exhibits desirable characteristics for a given operating environment,” as described in currently amended claim 1.

In view of the above remarks, it is respectfully submitted there is no 35 USC 112 enabling disclosure provided by Webster which makes the present invention as claimed in claim 1 unpatentable. It is further submitted that independent claim 17 is allowable for at least the same reasons that claim 1 is allowable. Since dependent claims 2-8 and 18-20 are dependent from allowable independent claims 1 and 17, it is submitted that they too are allowable for at least the same reasons that their respective independent claims are allowable. Thus, it is further submitted that this rejection has been satisfied and should be withdrawn.

Having fully addressed the Examiner’s rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant’s representative at (818) 480-5319, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No fee is believed due. However, if a fee is due, please charge the additional fee to Deposit Account 07-0832.

Respectfully submitted,  
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CERTIFICATE OF MAILING

I hereby certify that this amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

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Vincent E. Duffy

Report to Data Base  
Docket No. 102030165 Serial No. 10/572,695 Filed: 3/1/2006 PATENT OPERATIONS

Patent No. \_\_\_\_\_  
Atty: Vincent E. Duffy

Investor(s): David L. Menely  
Title: Digital RF Transceivers with Multiple Integrating Modes

APPLICATION AS FILED

Enter Date	Enter Number	Check Type	Check Items Mailed with Application
	Independent Claims	Original U.S. Nat'l	<input type="checkbox"/> Declaration
	Claims in Excess of 20	Divisional	<input type="checkbox"/> Statement under CFR § 1.56-013M
	Claim Pages	Continuation	<input type="checkbox"/> Assignment & Recordation Sheet
	Specification Pgs	CPARCE	<input type="checkbox"/> Preliminary Amendment
	Sheets of Drawings	Reissue	<input type="checkbox"/> Priority Document-
	Abstract Pages	Re-Exam	<input type="checkbox"/> IDS 1449 with References
		US Provisional	Utility Application Transmittal
	Charge		Fee Transmittal Sheet in duplicate
Mailed	Due	AMENDMENTS	APPEALS
<u>11/5/2010</u>	<u>12/1/2010</u>	After Rejection	Notice of Appeals
		After Final Rejection	Appeal Brief
		After Allowance UIR312	Reply Brief
		Supplemental	<u>11/5/2010</u> <u>12/1/2010</u> Pet. To Withdraw.
		Voluntary	REQUESTS
		Letter to Exam/Draftsperson w/Drawing Corrections)	Ext. Time§ 1.136(b)
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		IDS w/ references	Declaration
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